



United States Government

**NATIONAL LABOR RELATIONS BOARD**

Region 12

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March 17, 2005

James G. Brown, Esq.  
Ford & Harrison LLP  
300 S. Orange Avenue, Suite 1300  
Orlando, FL 32801

Re: The New Piper Aircraft, Inc.  
Case 12-RM-396

Dear Mr. Brown:

The above-captioned case, petitioning for an investigation and determination of representative under Section 9(c) of the National Labor Relations Act, has been carefully investigated and considered.

**Decision to Dismiss:** The investigation disclosed that in Case 12-RC-8982, on December 17, 2003, International Association of Machinists and Aerospace Workers, AFL-CIO (the Union) was certified as exclusive collective-bargaining representative of a unit of certain employees of The New Piper Aircraft, Inc. (the Employer-Petitioner) employed at its facilities at Vero Beach, Florida. On March 2, 2005, the Employer filed the instant petition, seeking an election to determine whether the Union still represents a majority of the unit employees. The Employer contends that a good faith reasonable uncertainty exists as to whether the Union continues to represent a majority of the bargaining unit employees, and submitted certain evidence in support of that position. Based on an administrative investigation, I find that further proceedings are unwarranted because the Employer-Petitioner has failed to submit sufficient evidence to show that it has a good faith reasonable uncertainty as to whether the Union continues to represent a majority of the bargaining unit employees. See Allentown Mack Sales & Service v. NLRB, 522 U.S. 359 (1998); Levitz Furniture of the Pacific, 333 NLRB 717 (2001); GC 02-01, Guideline Memorandum Concerning Levitz; NLRB Casehandling Manual Sec. 11042 to 11042.8. Accordingly, I am dismissing the petition in this matter.

Pursuant to the National Labor Relations Board's Rules and Regulations, any party may obtain a review of this action by filing a request therefor with the National Labor Relations Board, Washington, D.C. 20570. A copy of the request for review must be served on each of the other parties to the proceeding, as well as on the undersigned. This request for review must contain a complete statement setting forth the facts and

reasons on which it is based. The request for review (eight copies) must be received by the Executive Secretary of the Board by close of business (14 days from date of letter, month-day-year). Upon good cause shown, however, the Board may grant special permission for a longer period within which to file. A request for extension of time should be submitted to the Executive Secretary in Washington, and a copy of any such request for extension of time should be submitted to this Office and to each of the other parties to this proceeding.

The request for review and any request for extension of time must include a statement that a copy has been served on this Office and on each of the other parties to this proceeding in the same or a faster manner as that utilized in filing the request with the Board.

Very truly yours,

Karen K. LaMartin  
Acting Regional Director

cc: Executive Secretary  
National labor Relations Board  
1099 14<sup>th</sup> Street, NW  
Washington, D.C. 20570

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